



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,879	11/30/2000	Jang-hoon Yoo	1293.1156/MDS	9729

21171 7590 05/18/2004

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

TRAN, THANG V

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,879

Applicant(s)

YOO ET AL.

Examiner

Thang V. Tran

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 32-36, 38 and 39 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-31 and 42-59 is/are allowed.
- 6) ☒ Claim(s) 60-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2653

The communication dated 10/29/03 has been considered with the following results:

Election/Restrictions

1. Claims 32-36, 38 and 39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 11.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 60-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (US 6,266,315).

Lee et al., according to Figs. 3A-4C, show an optical system comprising all the features of the instant claimed invention as interpreted below:

Regarding claim 60, see Fig. 3A, 4A or 4C which shows an objective lens comprising a first light transmitting portion (surface 311 in Fig. 3A or 4A or surface 711 in Fig. 4C) for divergently transmitting an incident light beam; at least one portion (surface 313 or 713) for converging the divergent light beam; and a second transmitting portion (portion at a center of a

Art Unit: 2653

reflection surface 315 or 751B) for transmitting only the converging light beam as recited in this claim.

Regarding claim 61, see the second transmitting portion (portion at a center of a reflection surface 315 or 751B) as shown in Fig. 3A, 4A or 4C.

Regarding claim 62, see Fig. 3A, 4A or 4C which shows an objective lens comprising a first light transmitting portion (surface 311 in Fig. 3A or 4A or surface 711 in Fig. 4C) for transmitting an incident light beam; at least another portion (surface 313 or 713) for altering a path of the incident light beam; and a second transmitting portion (a portion at a center of the reflection surface 315 or 751B) for shielding the incident light beam and transmitting the altered light beam from the at least another portion as recited in this claim.

Regarding claim 63, see the second transmitting portion (portion at a center of the reflection surface 315 or 751B) as shown in Fig. 3A, 4A or 4C.

Allowable Subject Matter

3. Claim 1-31 and 42-59 are allowed.

Response to Arguments

In response to Applicant's arguments with respect to claims 60-64, Applicant's attention is drawn to Figs. 3A-4C which clearly show the use of an objective lens comprising at least one portion (see surface 313 or 713) for converging the divergent light beam; and a second transmitting portion (portion at a center of a reflection surface 315 or 751B) for transmitting only the converging light beam as recited in claim 60, or at least another portion (surface 313 or 713)

Art Unit: 2653

for altering a path of the incident light beam; and a second transmitting portion (a portion at a center of the reflection surface 315 or 751B) for shielding the incident light beam and transmitting the altered light beam from the at least another portion as recited in claim 62. Accordingly, Lee et al does show all the features of the claims 60-63.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

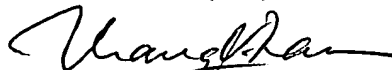
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Application/Control Number: 09/725,879

Page 5

Art Unit: 2653

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Thang V. Tran
Primary Examiner
Art Unit 2653